

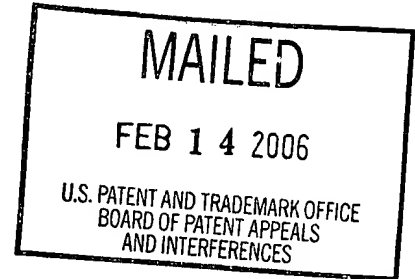
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

***Ex parte*** PAUL K. WOLBER,  
ROBERT H. KINCAID,  
DOUGLAS A. AMORESE,  
DIANE E. ILSLEY, and  
ANDREW S. ATWELL

Application 09/628,472



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 10, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

An Order Returning Undocketed Appeal to the Examiner was mailed on September 9, 2005, requesting the examiner to:

- (1) hold the Appeal Brief filed on January 4, 2005 defective;
- (2) to notify appellants to file a supplemental Appeal Brief in compliance with 37 CFR § 41.37;
- (3) for the examiner to consider the supplemental Appeal Brief, vacate the Examiner's Answer mailed March 21, 2005 and issue a revised Examiner's Answer in compliance with the new rules effective September 13, 2004; and

(4) have a complete copy of the supplemental Appeal Brief and any subsequent Examiner's Answer scanned into the record.

It appears that the requested information has been provided.

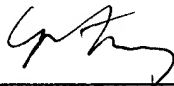
On January 17, 2006, appellants filed a Reply Brief in response to the Examiner's Answer mailed November 21, 2005. However, there is no indication on the record that this paper was considered by the examiner.

Accordingly, it is

ORDERED that the instant application be electronically returned to the examiner to:

- (1) consider the Reply Brief;
- (2) written notification to appellants of said consideration; and
- (3) for such action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



---

Craig R. Feinberg  
Program and Resource Administrator  
(571) 272-9797

Agilent Technologies, Inc.  
Intellectual Property Administration, Legal Dept.  
P.O. Box 7599  
M/S DL429  
Loveland, CO 80537-0599

dem